

**The Congress shall have power... to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.**

The Patent and Copyright Clause (U.S. Const., Art. I, § 8, cl. 8)

	<b>Copyright</b>	<b>Trademark</b>	<b>Patent</b>	<b>Trade Secret</b>
<b>What's Protected</b>	Expression	Distinctive Marks	Applied Ideas	Commercial Secrets
<b>Underlying Theory</b>	Promote Progress by encouraging authorship	Protect Consumers	Promote Progress by encouraging inventors	Protect Business from unfair competition
<b>Source of Law</b>	Constitution Federal Law	Federal Law State Law common law	Constitution Federal Law	State Law common law
<b>Standard for Protection</b>	Modicum of originality Fixed medium	Distinctiveness Used in commerce	Novel (no prior art) Useful Nonobvious	Secret info Reasonable attempts to keep secret Commercial value
<b>Disclosure</b>	Not Required	Must be used in commerce	Must disclose	Must not disclose
<b>Others' Use</b>	Permission Fair Use Exceptions in 17 U.S.C. 108 et seq.	Truthful reflection of source	Need license No independent discovery allowed	Nondisclosure agreements Independent discovery is allowed
<b>Term of Protection</b>	Life + 70 years Corporate and anonymous works 95-120 years	Until abandonment	Utility patents 20 years	Until revealed
<b>Examples</b>	Artwork and description of library programs on web page	Library Logo PBS Amazon logo	one-click technology	client lists filter stop-words